

# OFFICE OF LEGISLATIVE LEGAL SERVICES

## COLORADO GENERAL ASSEMBLY



### DIRECTOR

Sharon L. Eubanks

### DEPUTY DIRECTORS

Jeremiah B. Barry Julie A. Pelegrin

### REVISOR OF STATUTES

Jennifer G. Gilroy

### ASSISTANT DIRECTORS

Christine B. Chase Michael J. Dohr  
Jason A. Gelender

### SENIOR ATTORNEY FOR SPECIAL PROJECTS

Edward A. DeCecco

### SENIOR ATTORNEY FOR ANNOTATIONS

Michele D. Brown

### MANAGING SENIOR ATTORNEYS

Jennifer A. Berman Nicole H. Myers  
Kristen J. Forrestal Jane M. Ritter

### SENIOR ATTORNEYS

Brita Darling Jerry Payne  
Conrad Imel Shelby L. Ross  
Yelana Love Richard Sweetman

### STAFF ATTORNEYS

Jacob Baus Sarah Lozano  
Anastasia DelCarpio Megan L. McCall  
Jessica L. Herrera Chelsea Princell  
H. Pierce Lively Alana Rosen

### PUBLICATIONS COORDINATOR

Kathy Zambrano

200 EAST COLFAX AVENUE SUITE 091  
DENVER, COLORADO 80203-1716

TEL: 303-866-2045 FAX: 303-866-4157

E-MAIL: OLLS.GA@STATE.CO.US

## MEMORANDUM

TO: Committee on Legal Services

FROM: Office of Legislative Legal Services

DATE: December 6, 2022

SUBJECT: Comp Time Policy Recommendation

### Summary of Recommendation

During the consideration of the 2022 legislative appropriation bill, some legislators expressed concerns about the Office of Legislative Legal Services' (OLLS) compensatory time (comp time) policy. In response, the OLLS created an internal committee with a cross-section of employees to study the policy this interim. Based on that committee's thorough review, the OLLS recommends that the current comp time policy remain unchanged.

### The Comp Time Policy

Before discussing the reasons for the recommendation, it is necessary to explain the policy itself. Comp time is available for each 15-minute increment that an employee works above 40 hours in a week.<sup>1</sup> All OLLS employees, including attorneys, legislative editors, publication editors, legislative specialists, the office manager, the office systems administrator, and the Office of Legislative Workplace Relations staff, are eligible to earn comp time. Subject to a supervisor's approval, an employee may use earned comp time to take leave from the OLLS. An employee is required to use any accrued comp

---

<sup>1</sup> For employees who work nine extended days and take the tenth day off during the interim, comp time is permitted after 80 hours of work for the two-week schedule.

time before annual leave, unless the employee has exceeded the employee's maximum allowable amount of accrued annual leave, in which case excess annual leave must be used first. Unused comp time at the end of a 12-month leave cycle is available to be used in future years.

Employees who earn less than \$70,000, which is a class that excludes all attorneys, may elect to be paid for some or all of their comp time. Most of these employees, however, elect to use most of their comp time to take time off from the office. Therefore, the office has annually paid out only an average of about \$500 for comp time over the last five fiscal years. Otherwise, OLLS employees are not paid for unused comp time, including when they separate from the office, and most employees forfeit comp time when they leave.

## **Reasons for the Recommendation**

OLLS employees have received comp time in some form for over 40 years. The comp time policy was last considered by the Committee on Legal Services in 2002, and the policy has essentially remained the same since then. Its primary purpose is to attract and retain employees in a fiscally responsible and fair manner. The following is a list of the reasons supporting the policy:

1. **Standard at the Capitol**—The Legislative Council staff, the Joint Budget Committee staff, and the Office of the State Auditor, which each employ professional staff, all offer some form of comp time.
2. **Helps make OLLS's total compensation more competitive**—Being an attorney at the OLLS means earning less than our contemporaries in private practice who may have higher base salaries, earn routine bonuses, and receive other monetary and nonmonetary benefits. Comp time is a budget-friendly way to offer a substitute benefit.
3. **Values and motivates our hard work**—Comp time makes employees feel valued for their hard work. While OLLS employees are dedicated to serving the General Assembly, comp time helps motivate them to work the long hours necessary.
4. **Minimal budget impact**—It has been argued that comp time has an indirect expense because it leads to larger annual time payouts when employees leave, but that impact is not easily quantified. Even without comp time, longtime employees could easily save one or two days of annual leave per year to achieve a maximum payout of annual leave upon separation. In addition, the comp time policy may actually help OLLS retain more employees, which means fewer employees leave and, therefore, fewer payouts are made. As such, it is

difficult to determine whether comp time causes a net increase in the amount of money paid out for annual leave. What is known is that the direct budgetary impact for paying comp time to employees earning less than \$70,000 is only about \$500 per year.

5. **Helps contribute to a work-life balance**—Legislative sessions are extremely demanding and, like legislators, OLLS employees rarely take any time off during the months leading up to and during the legislative session. Comp time helps provide work-life balance over the course of the year, by allowing employees an hour-for-hour accrual of time off that can be used in the interim, which helps revitalize employees before the next session.
6. **Supplements other leave**—Employees can earn and save comp time to be used for anticipated extended periods of leave, such as parental leave, or unexpected absences, such as when an employee or the employee's family member suffers from a significant illness. While it's not frequently used for these purposes, when it has been, it is critical for those employees. Moreover, the FAMLI benefits that become available in 2024 may not cover all of these same events, and, even if they do, FAMLI only provides partial compensation.
7. **Very important to OLLS employees**—On a one-to-five scale of importance, with five being the most important, 43% of OLLS employees rated comp time as a "four" and an additional 41% rated it as a "five", when surveyed. In addition, a number of employees identified comp time as being an important factor in why they continue to work at the OLLS.
8. **Consistent with our time accounting**—It has been suggested that OLLS attorneys are professionals who should work when necessary and take time off when they can. That, however, is not how the OLLS operates. All employees accrue a set amount of the various types of leave, and we are required to meticulously account for each segment of time when we are not working during our scheduled business hours as government employees.
9. **Standard for other similar legislative attorney offices**—While information about other states' comp time policies is not readily available, the National Conference of State Legislatures (NCSL) identified and contacted legislative offices in four other states that employ legislative attorneys and non-attorneys and that are most similar to the OLLS. All of the offices from this representative sample of states offer a form of comp time.<sup>2</sup>

---

<sup>2</sup> Those states are Kentucky, New Mexico, Utah, and Washington. Our NCSL contact picked these states because the legislatures meet for a similar length of time and are a similar size to the Colorado

## **Conclusion**

For all of the foregoing reasons, the OLLS recommends that the Committee on Legal Services vote to allow the OLLS to continue its comp time policy in its current form.

---

General Assembly, and the related drafting offices are a similar size to the OLLS and are likewise nonpartisan.